

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1876 - SB 1854

March 17, 2016

SUMMARY OF BILL: Reestablishes the Tennessee Sentencing Commission.

Sixteen members will serve on the Commission. The membership will include the Commissioner of the Department of Correction (DOC), two active trial judges of courts having criminal jurisdiction, a judge from the Court of Criminal Appeals, a general sessions judge, a district attorney general, a practicing attorney with experience representing criminal defendants, an active law enforcement officer, three members from the public at large, the Chair of the Judiciary Committee of the Senate, the Chair of the Criminal Justice Committee of the House of Representatives, the Chair of the Board of Parole, the Executive Secretary of the Tennessee Code Commission, and the Attorney General and Reporter, who will serve as an ex officio, non-voting member.

Members will serve six year terms, and they can only be removed for disability, neglect of duty, incompetence, or malfeasance in office.

Members of the Commission that are not employed by the state or its political subdivisions are entitled to reimbursement for travel expenses.

The Commission shall be administratively attached to the Administrative Office of the Courts (AOC), but it will otherwise be independent.

The Commission's three primary duties are: (1) classification of criminal offenses, (2) formulation of sentencing guidelines, and (3) revision of the penal code. The Commission's secondary duty is to collect, develop, and maintain statistical information relating to sentencing so that the primary duties of the Commission will be formulated using data that is valid, accurate, and relevant to the state. The Commission shall have access to data compiled by the DOC.

The Commission must submit sentencing guidelines to the Judiciary Committee of the Senate and the Criminal Justice Committee of the House of Representatives by October 1, 2018.

The Commission must submit legislation effectuating the classification and ranges of punishment for felonies and misdemeanors to the Judiciary Committee of the Senate and the Criminal Justice Committee of the House of Representatives by October 1, 2018.

The Commission must submit legislation effectuating the proposed revision of the penal code to the Judiciary Committee of the Senate and the Criminal Justice Committee of the House of Representatives by October 1, 2019.

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Upon the enactment of a revised penal code by the General Assembly, the Commission shall review all legislation that amends, repeals, or creates a criminal offense. The Commission must meet each year within 10 days after the last day for filing general bills in the General Assembly.

Authorizes the Commission to employ an Executive Director and other staff as is necessary for the performance of its duties. The Commission will sunset on June 30, 2018.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$12,000/One-Time
\$460,100/Recurring**

Assumptions:

- Other boards and commissions are administratively attached to the AOC, e.g., Board of Professional Responsibility and Board of Law Examiners. These entities have their own office space, staff, etc. The AOC handles the accounting for these entities.
- It is assumed the Commission will require similar requirements from the AOC. It is assumed that the AOC can accommodate these requirements within its existing resources.
- The AOC confirms that it can handle the accounting responsibilities of the Commission within its existing resources.
- The Commission will need staff and office space to meet its primary and secondary duties.
- It is assumed the Commission will be extended following the June 30, 2018 sunset date and will be extended into perpetuity.
- It is assumed that the Commission's office will be in Nashville and that the Commission will need approximately 1,500 square feet at a rate of \$24.00 per square foot, including parking. The recurring increase in state expenditures is estimated to be \$36,000.00 (\$24 x 1,500).
- It is assumed that furniture for the office space will result in a one-time increase in state expenditures of \$12,000.
- It is assumed that the Commission will hire an Executive Director, two staff attorneys, a research analyst, and an administrative assistant.
- Recurring expenditures for each staff person will consist of \$1,450 for supplies, computers, printers, phone, internet, etc. The total recurring will increase in state expenditures by \$7,250.00 (\$1,450 x 5).
- It is assumed that the Executive Director will receive a salary of \$90,000. The recurring increase in state expenditures is estimated to be \$116,956.56 [\$90,000 + (\$90,000 x .1503 benefits) + (\$90,000 x 0.0765 FICA) + \$6,544.56].

- It is assumed that the staff attorneys will receive a salary of \$70,000 each. The recurring increase in state expenditures is estimated to be \$184,841.12 $\{[\$70,000 + (\$70,000 \times .1503 \text{ benefits}) + (\$70,000 \times 0.0765 \text{ FICA}) + \$6,544.56] \times 2\}$.
- It is assumed that the research analyst will receive a salary of \$45,000. The recurring increase in state expenditures is estimated to be \$61,750.56 $[\$45,000 + (\$45,000 \times .1503 \text{ benefits}) + (\$45,000 \times 0.0765 \text{ FICA}) + \$6,544.56]$.
- It is assumed that the administrative assistant will receive a salary of \$36,000. The recurring increase in state expenditures is estimated to be \$50,709.36 $[\$36,000 + (\$36,000 \times .1503 \text{ benefits}) + (\$36,000 \times 0.0765 \text{ FICA}) + \$6,544.56]$.
- The Commission will need a database to collect, develop, and maintain statistical information relative to sentencing. It is assumed that server, software, and database licenses will require \$2,600.00 per year.
- The one-time increase in state expenditures is estimated to be \$12,000; and the total recurring increase in state expenditures is estimated to be \$460,107.60 $(\$36,000.00 + \$7,250.00 + \$116,956.56 + \$184,841.12 + \$61,750.56 + \$50,709.36 + \$2,600.00)$.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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